

INTERFERENCE DIGEST

Interference No. 105,340

Paper No.

Name: J. Wallace Parce et al.

Serial No.: 09/975,500

Patent No.

Title: High throughput screening assay systems in microscale fluidic devices

Filed: 10/11/01

Interference with Wu et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

MAILED

AUG 9 - 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Filed by: Judge Jameson Lee
Telephone: 571-272-9797
Facsimile: 571-273-0042

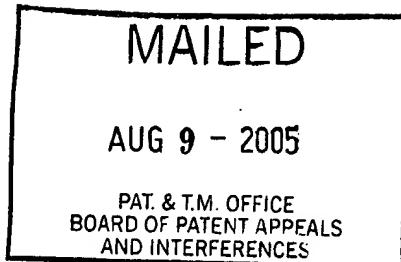
Applicants: PARCE
Application No.: 09/975,500
Filed: 10/11/01
For: High throughput screening assay systems
in microscale fluidic devices

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,340.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Jameson Lee
Administrative Patent Judge

Filed by: Jameson Lee
Administrative Patent Judge
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Paper 1

Filed
9 August 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CAICAI WU, BERNHARD WEIGL,
MARGARET A. KENNY and PAUL YAGER
Junior Party
(Patent 6,221,677),

v.

J. WALLACE PARCE, ANNE R. KOPF-SILL
and LUC J. BOUSSE
Senior Party
(Application 09/975,500).

Patent Interference No. 105,340

DECLARATION

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Jameson Lee has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION.

The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **1:00 p.m. (eastern) on 27 September 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: CAICAI WU
BERNHARD WEIGL
MARGARET A. KENNY
PAUL YAGER, all of Seattle, WA

Patent: 6,221,677, granted 04/24/05, based on application 09/335,930, filed 06/18/99

Title: Simultaneous particle separation and chemical reaction

Assignee: University of Washington

Accorded Benefit: Application 08/938,585, filed 09/26/97

Senior Party

Named Inventors: J. WALLACE PARCE, Palo Alto, CA
ANNE R. KOPF-SILL, Portola Valley, CA
LUC J. BOUSSE, Los Altos, CA

Application: 09/975,500, filed 10/11/01

Title: High throughput screening assay systems in microscale fluidic devices

Assignee: Caliper Life Sciences, Inc.

Accorded Benefit: 6,558,944, granted 05/06/03, based on Application 09/346,660, filed 07/01/99

5,942,443, granted 08/24/99, based on Application 08/671,987, filed 06/28/96

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Claim 1 of Wu's Patent 6,221,677

or

Claim 75 of Parce's Application 09/975,500

The claims of the parties are:

Wu: 1-21

Parce: 75-85

The claims of the parties which correspond to Count 1 are:

Wu: 1-3

Parce: 75-77

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Wu: 4-21

Parce: 78-85

Count 2

Claim 4 of Wu's Patent 6,221,677

or

Claim 78 of Parce's Application 09/975,500

The claims of the parties are:

Wu: 1-21

Parce: 75-85

The claims of the parties which correspond to Count 2 are:

Wu: 1, 2 and 4

Parce: 76, 77 and 78

The claims of the parties which do not correspond to Count 2, and therefore are not involved in the interference, are:

Wu: 3 and 5-21

Parce: 75 and 79-85

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Jameson Lee)

CAICAI WU, BERNHARD WEIGL,
MARGARET A. KENNY and PAUL YAGER

Junior Party
(Patent 6,221,677),

v.

J. WALLACE PARCE, ANNE R. KOPF-SILL
and LUC J. BOUSSE

Senior Party
(Application 09/975,500).

Patent Interference No. 105,340

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/ss/ Jameson Lee
JAMESON LEE
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy Patent 6,221,677
Copy of Application 09/975,500

Revised September 2004

cc (via overnight delivery):

Attorney for WU:

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